



W.A.(MD).No.2197 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 28.10.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
and  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD).No.2197 of 2024  
and  
C.M.P.(MD)Nos.15420 and 15421 of 2024**

P.Suresh Kumar

... Appellant

-VS-

1.Manivasagan

2.The Tahsildar,  
Cumbum,  
Theni District.

3.The Head Surveyor,  
Cumbum,  
Theni District.

... Respondents

**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.23304 of 2024, dated 01.10.2024.

For Appellants : Mr.Jerin Mathew  
For Respondents 2 & 3 : Mr.S.R.A.Ramachandran,  
Additional Government Pleader



**W.A.(MD).No.2197 of 2024**

**JUDGMENT**

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**[Judgment of the Court was made by R.SUBRAMANIAN, J.]**

Mr.S.R.A.Ramachandran, learned counsel takes notice for the respondents 2 and 3.

2.The order challenged in the Writ Petition is one directing survey of land in ward D Block 16, T.S.No.4 of Cumbum Municipality.

3.The learned counsel for the appellant would however contend that the Surveyor is attempting to partition the property, by pointing out the property has purchased only four out of 7 shares. Those four out of 7 shares cannot be surveyed independently.

4.We are unable to find any justification for the apprehension of the learned counsel for the appellant. The Writ Court had directed only survey of the land as mentioned in the petition. The notice issued after the order also states that what is to be surveyed is land in ward D Block 16, T.S.No.4 of Cumbum Municipality. We are therefore, unable to presume that the Surveyor will partition the property. There is no statutory power vested in the Surveyor to effect partition. The Surveyor would only measure the entire land, mark the boundaries and nothing further can be done by the



**W.A.(MD).No.2197 of 2024**

Surveyor. Therefore, the apprehension of the appellant is thoroughly misplaced.

5.The Writ Appeal is dismissed with the above clarification. No Costs.

Consequently, connected miscellaneous petitions are closed.

**[R.S.M., J.] [L.V.G., J.]**  
**28.10.2024**

NCC :Yes/No  
Index :Yes/No  
Internet: Yes  
Mrn

To

- 1.The Tahsildar,  
Cumbum,  
Theni District.
- 2.The Head Surveyor,  
Cumbum,  
Theni District.



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***W.A.(MD).No.2197 of 2024***

**R.SUBRAMANIAN, J.**  
**and**  
**L.VICTORIA GOWRI, J.**

Mrn

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